

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

CORNELIUS PAYNE, :  
 :  
 Petitioner, :  
 :  
 vs. : CIVIL ACTION 07-00047-CB-B  
 :  
 MIKE HALEY, et al., :  
 :  
 Respondents. :

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. §636(b)(1)(B) is **ADOPTED** as the opinion of this court. It is **ORDERED** that this action be and is hereby **DISMISSED** without prejudice for failure to prosecute and to obey the Court's order.

**DONE** this 3<sup>rd</sup> day of October, 2007.

s/Charles R. Butler, Jr.  
**SENIOR UNITED STATES DISTRICT JUDGE**